

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-24 are pending. Claims 1, 4, 7, 10, 14, 16, 19, and 22, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment.

II. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, support of the amendment can be found at paragraph [0050] of the Specification, which is reproduced as follows:

[0050] The first code in the identification data representing a type of the encrypted information data is replaced with the second code that is other than the inhibited codes and that is different from the first code. **Accordingly, when the receiving apparatus receiving the transmitted encrypted data packet does not include decrypting means for the encrypted information data**

included in the encrypted data packet, the type of the original information data represented by the identification data before the replacement is not recognized and, therefore, the data provided as the reproduced information data based on the encrypted information data included in the encrypted data packet is not processed as data belonging to the type of the original information data represented by the identification data before the replacement. Consequently, for example, when the encrypted auxiliary data packet is an encrypted audio data packet including encrypted digital audio information data having encrypted digital audio information and the receiving apparatus receiving the encrypted data packet has a speaker, serving as audio reproducing means for reproducing audio based on the reproduced digital audio information, but does not have the decrypting means for the encrypted information data included in the encrypted data packet, no signal based on the encrypted information data is supplied to the speaker and, therefore, an undesirable audio signal generated based on the encrypted information data is not supplied to the speaker. As a result, a situation in which an excessive current based on the undesired audio signal is applied to the speaker to damage the speaker can be avoided. (emphasis added)

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-24 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 7,146,501 to Tanaka (hereinafter, merely "Tanaka") in view of U.S. Patent No. 5,797,118 to Saito (hereinafter, merely "Saito").

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"...wherein when the transmitted encrypted data packet does not include decrypting information, a type of original information data represented by identification data before the replacing is not recognized and reproduced information data based on encrypted information data included in the encrypted data packet is not processed. (Emphasis added)

Applicant submits that Tanaka and Saito, taken alone or in combination does not disclose or rend predictable the above-identified features of claim 1. Specifically, Applicant submits that Tanaka and Saito fail to disclose or render predictable that “wherein when the transmitted encrypted data packet does not include decrypting information, a type of original information data represented by identification data before the replacing is not recognized and reproduced information data based on encrypted information data included in the encrypted data packet is not processed” as recited in claim 1.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 4, 7, 10, 14, 16, 19, and 22are also patentable

V. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicant respectfully requests reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and

every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By 

Thomas F. Presson

Reg. No. 41,442

Tel. (212) 588-0800